

Remarks

This is in response to the Official Action of January 9, 2006.

Claims 1-15 and 17-37 stand rejected as anticipated under 35 USC 102 by US Patent No. 6,361,503 to **Starobin**. For the reasons set forth below, this rejection is respectfully traversed.

Starobin does not describe or implement a procedure of separating QT and RR interval fluctuations from their slow trends. Instead, it explains that raw QT/RR interval data sets obtained under a quasi-stationary protocol are averaged by low-pass filtering (polynomial or other types of fitting, see Col. 17, 18 therein) and form slow QT/RR interval trends, which do not include fluctuations.

Filtering only eliminates fluctuations from raw QT/RR interval data sets and, consequently, cannot separate them for further analysis, as described in the present application. Methods and algorithms of separating fluctuations from RR interval data sets trends are described in the present application (sections 2.2, pages 20-21 and Example 6), but not in the cited reference.

In the official action at page 5, it is stated as follows:

Regarding claims 1-2 and 24-37, it is noted that averaging RR-interval fluctuations over time and fitting RR-intervals by an appropriate smooth exponential like function is a result of separating fluctuations for RR-interval data sets from a trend which would allow for the comparison of said fluctuations for RR-interval data sets from a trend.

However, for the reasons set forth above, it is respectfully submitted that a teaching of, or motivation to carry out the steps of, for example,

- (c) separating fluctuations from a slow trend in said first RR-interval data set;
- (d) separating fluctuations from a slow trend in said second RR-interval data set; and
- (e) comparing said fluctuations of said first RR-interval data set to said fluctuations of said second RR-interval data set...."

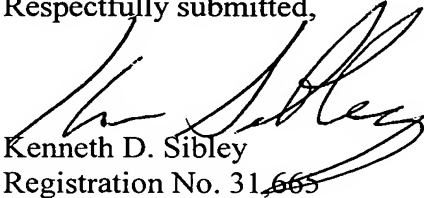
(see, e.g., claim 1; see also elements d-e of claim 32; see also element a of claim 35) as described in the instant application, is not provided by the cited reference. Accordingly, it is respectfully submitted that this rejection should be withdrawn.

Claim 16 stands rejected as obvious under 35 USC 103(a) over **Starobin** as cited above, and further in view of **Deno**. It is respectfully submitted that this rejection is obviated for the same reasons as set forth above, and respectfully submitted that this rejection should be withdrawn.

While not believed to be prior art, the examiner's attention is drawn to applicants co-pending application, serial no. 10/308,821 (publication no. 2003/0130586), recently allowed. The same prior reference was cited to support an alleged double patenting rejection in that co-pending application, which double patenting rejection was obviated for the same reasons as set forth above.

It is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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